EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1829-MWD-E TCEQ ID: RN101614212 CASE NO.: 38667
RESPONDENT NAME: 8 Mile Park, L.P.

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE .	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	_DRY CLEANER REGISTRATION
south side of State Highway 35 approximately. Brazoria County TYPE OF OPERATION: Wastewater to SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: To regarding this facility location. INTERESTED PARTIES: No one other COMMENTS RECEIVED: The Texas In the	No There are no complaints. There is no record of a r than the ED and the Respondent has expresse Register comment period expired on January 31	ighway 35 and Farm-to-Market Road dditional pending enforcement actions d an interest in this matter. , 2011. No comments were received. on, Enforcement Team 1, MC 169, 195 1815

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION

PENALTY CONSIDERATIONS

CORRECTIVE ACTIONS TAKEN/REQUIRED

Type of Investigation:

Complaint

X Routine

__ Enforcement Follow-up

X Records Review

Date(s) of Complaints Relating to this Case: None

Date of Investigation Relating to this Case: June 15, 2009 and September 29, 2009

Date of NOV/NOE Relating to this

Case: October 22, 2009 and December 11, 2009 (NOE)

Background Facts: This was a routine investigation and a records review.

WATER

- 1) Failed to comply with permit effluent limits for biochemical oxygen demand, total suspended solids, and dissolved oxygen [Tex. WATER CODE § 26.121(a), 30 Tex. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013796001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].
- 2) Failed to collect and analyze samples for chlorine residual for the monitoring periods ending April 2008 through December 2008 and January 2009 through March 2009. Specifically, the Respondent reported on the discharge monitoring reports ("DMR") that no data was available for this parameter [30 Tex. Admin. Code § 319.4 and TPDES Permit No. WQ0013796001, Effluent Limitations and Monitoring Requirements No. 2].
- 3) Failed to submit the annual sludge report for the monitoring period ending July 31, 2008, by September 1, 2008 [30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013796001, Sludge Provisions].

Total Assessed: \$39,998

Total Deferred: \$35,920 X Expedited Settlement

X Financial Inability to Pay

The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty.

SEP Conditional Offset: \$0

Total Paid (Due) to General

Revenue: \$123 (remaining \$3,955 due in 35 monthly payments of \$113 each)

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: __ Yes _X No

Applicable Penalty Policy: September 2002

Ordering Provisions:

The Order will require the Respondent to:

- a. Within 30 days after the effective date of this Agreed Order:
- i. Update the Facility's operations guidance to ensure that all effluent parameters, including chlorine residual are monitored at the frequency specified in the permit;
- ii. Submit the annual sludge report for the monitoring period ending July 31, 2008;
- iii. Enclose the Facility with an eight foot intruder-resistant fence with barbed wire and with signs stating "Danger Open Tanks No Trespassing" fastened to the fence and within visible distance of each other;
- iv. Install an RPZ backflow prevention device or air gap on the main potable water line to the Facility;
- v. Begin maintaining operations and maintenance records and all monitoring records on site; and
- vi. Ensure a properly certified operator operates the Facility at least five days per week.
- b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions a.i. through a.vi.;
- c. Within 60 days after the effective date of this Agreed Order:
- i. Install a high-level alarm and an operational backup pump for the lift station at the Facility;
- ii. Install a back-up blower at the Facility;
- iii. Ensure the weirs on the clarifiers are level in order to prevent short circuiting;

RESPONDENT NAME: 8 Mile Park, L.P. DOCKET NO.: 2009-1829-MWD-E

- 4) Failed to maintain operations and maintenance records. Specifically, the daily operator's log was not available for review during the September 29, 2009 investigation [30 Tex. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013796001, Operational Requirements No. 1].
- 5) Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, two and a half feet of settled sludge in a six foot water depth was measured in the chlorine contact chamber, the staff gauge installed was not legible, the Vnotch weir was severely rusted and can no longer be used to accurately measure flow, the weirs on the clarifier were not level, and only one blower was operational at the Facility [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(g) and TPDES Permit No. WQ0013796001, Operational Requirements No. 1].
- 6) Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, a high level alarm was not installed and only one pump was working at the onsite lift station [30 Tex. ADMIN. CODE §§ 305.125(5) and 317.4(g) and TPDES Permit No. WQ0013796001, Operational Requirements No. 1].
- 7) Failed to employ a certified operator at the Facility a minimum of five days per week. Specifically, the operator stated that he lived 300 miles from the Facility and operates it once a week [30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0013796001, Other Requirements No. 1].
- 8) Failed to have all required monitoring and reporting records available for review upon request. Specifically, the DMRs were not available for review during the September 29, 2009 investigation [30 Tex. Admin. Code §§ 305.125(1) and 319.7(a) and (c), and TPDES Permit No. WQ0013796001, Monitoring and Reporting Requirements No. 3.b. and 3.c.].
- 9) Failed to provide an intruderresistant fence and hazard signage. Specifically, the fence surrounding the Facility did not have barbed wire and was less than eight feet tall in some

- iv. Remove and properly dispose of sludge from the chlorine contact chamber; and
- v. Install a legible staff gauge and a Vnotch weir or an accurate primary flow measuring device;
- d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions c.i. through c.v.;
- e. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013796001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations; and
- f. The written certification of compliance required by Ordering Provisions b., d., and e. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

RESPONDENT NAME: 8 Mile Park, L.P. **DOCKET NO.:** 2009-1829-MWD-E

Page 4 of 4

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Additional ID No(s).: WQ0013796001

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	Penalty Calculatio	n Worksheet (P	CW)	
Policy Revision 2 (Sep	· · · · · · · · · · · · · · · · · · ·		•	October 30, 2008
TCEQ				
DATES Assigned				
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RESPONDENT/FACILITY	division Marion			
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Reg. Ent. Ref. No.				
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CASEINFORMATION = !! Enf./Case ID No.	38667	No. of Violations	90 96 (6)	
	2009-1829-MWD-E	Order Type		
Media Program(s)		Government/Non-Profit		
Multi-Media		Enf. Coordinator		
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	Penalty Calcula	tion Section		
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ADJUSTMENTS (#/-)	TO STETOTALIJE I SE			r atolica and the
	ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage.		
Compliance Histo			otals 2, 3, & 7	\$6,960
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Notes Notes	violations and three NOVs with un			
Control of the Contro				
Culpability 43	No 0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	culnahillfy criteria		
	the respendent scotting most me	only only		* 1
			THE RESERVE THE PROPERTY AND THE PARTY AND T	
Good Faith Effor	to Comply Total Adjustments		Subtotal 5	. \$0
				and separate
Economic Benefi	0.0%	Enhancement*	Subtotal 6	\$0
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OTHER FACTORS AS	S JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes				d
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Recepbáriszyisz		20.0% Reduction	- Administrative	-\$4,292
DEFERRAL Reduces the Final Assessed Pen	alty by the indicted percentage. (Enter number only, e.g.		Adjustment	-\$4,232

Notes	Deferral offered for expedited	d settlement.		v sakenový v cele

\$17,168

PAYABLE PENALTY

Docket No. 2009-1829-MWD-E

Respondent 8 Mile Park, L.P. Case ID No. 38667

Reg. Ent. Reference No. RN101614212

Media [Statute] Water Quality Enf. Coordinator Steve Villatoro Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

> Comp		Site Enhancement (Subtotal 2) Number of	Inter Number Here	Adjust.	
:	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	24	48%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0 ,	0%	
•	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	-
	, and a	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		· · · · · · · · · · · · · · · · · · ·	se Enter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Otriei	Participation in a voluntary pollution reduction program	No	0%	
:		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	<u> </u>	Adjustment P	ercentage (Su	ıbtotal 2)	48%
Repea	at Violator (Su	btotal 3)		NESTA	
	No.	Adjustment P	ercentage (Su	ıbtotal 3)	0%
Comp		Person Classification (Subtotal 7)			100 T
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	Compliance History Notes	The penalty is enhanced due to 21 self-reported monthly effluent violations and three NOVs violations.	with unrelated		
		Total Adjustment Percentage	(Subtotals 2	3 & 7)	48%
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Screening Date		Docket N	0 2009-1829-MWD-E	EECWE
Respondent				y Revision 2 (September 2002)
Case ID No.			F	CW Revision October 30, 2008
Reg. Ent. Reference No.				Ti diagram
Media (Statute) Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code §	305.125(5) and Texas Pollu	tant Discharge Elimination System	
	("TPDES") Perm	it No. WQ0013796001, Oper	rational Requirements No. 1	
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Violation Description			tember 29, 2009 investigation.	4
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Estimate	d EB Amount	\$8	Violation Final Penalty To	tal \$1,480
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Screening Date	23-Dec-2009	Docket No. 2009-1829-MWD-E	PCW 3
Respondent	8 Mile Park, L.P.		Policy Revision 2 (September 2002)
Çase ID No.		•	PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN101614212		7
Media [Statute]	Water Quality		-
Enf. Coordinator	Steve Villatoro		
Violation Number	2 A		
Rule Cite(s)		in: Code §§ 305 125(5) and 317 4(g) and TPDES Permit No	2
		VQ0013796001, Operational: Requirements No. 1	
Violation Description	Specifically, two and the chlorine contac was severely rusted the clarifier wen	erate and maintain all facilities and systems of treatment an a half feet of settled sludge in a six foot water depth was me chamber, the staff gauge installed was not legible, the V-no and can no longer be used to accurately measure flow, the not level, and only one blower was operational at the Facili mented during the September 29, 2009 investigation.	asured in ofth weir weirs on
		Bas	e Penalty \$10,000
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Matrix Human health	or the environment of	ould be exposed to significant amounts of pollutants which w	rould not
Notes exceed levels	that are protective of	numan health or environmental receptors as a result of this	violation.
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	Notes	Respondent does not meet the good faith criteria for this violation.	
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		Violation	Subtotal \$1,000
Economic Benefit (EB) for this	violation	Statutory Limit Te	
Estimate	d EB Amount	\$514 Violation Final Per	
		This violation Final Assessed Penalty (adjusted	for limits) \$1,480

Violation No	Water Quality					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs,	Interest Saved	Onetime Costs	EB Amount
Item Descriptio	n⊪ No commas or \$		Transional des		entra Castillation		
Delayed Cost				ung gyna			
Equipment	I The second			0.00	. \$0	\$0	\$0
Buildings		(χ	Landa A	0.00	\$0	\$0	\$0
Other (as needed)	\$8,000	29-Sep-2009	30-Aug-2010	0.92	\$24	\$489	\$514
Engineering/construction				0.00	\$0	\$0	\$0
Land				0,00	\$0	# 50. T/a	\$0
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Training/Sampling Remediation/Disposal				0.00	\$0 \$0	i vida	\$0 \$0
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Training/Sampling Remediation/Disposal Permit Costs . Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Estimated cos gauge; a V-r weirs on th	s to remove and protch weir or an acc	urate primary flow quired is the inves ed costs before e	0:00 0:00 0:00 0:00 0:00 sludge fromeasurir tigation of the control of the	\$0 \$0 \$0 m the cholrine c og device, a back late and final dat tem (except for \$0 \$0 \$0 \$0	ontact chamber; ins cup blower at the Fa e is date of expecte \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 fall a legible statcility, and level d compliance 60sts) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs . Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos gauge; a V-r weirs on th	s to remove and protch weir or an acc	urate primary flow quired is the inves ed costs before e	0:00 0:00 0:00 0:00 0:00 sludge fromeasuring tigation of 0:00 0:00 0:00 0:00 0:00 0:00 0:00	\$0 \$0 \$0 \$0 im the cholrine c ng device, a baclate and final dat tem (except for \$0 \$0 \$0 \$0 \$0	ontact chamber, ins cup blower at the Fa e is date of expecte \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 tall a legible stacility, and level d compliance costs) \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos gauge; a V-r weirs on th	s to remove and protch weir or an acc	urate primary flow quired is the inves ed costs before e	0:00 0:00 0:00 0:00 0:00 sludge fromeasurir tigation of the control of the	\$0 \$0 \$0 m the cholrine c og device, a back late and final dat tem (except for \$0 \$0 \$0 \$0	ontact chamber; ins cup blower at the Fa e is date of expecte \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 fall a legible statcility, and level d compliance 60sts) \$0 \$0 \$0

•

Screening Date 23-Dec-2009 Docket No. 2009-1829-MWD-E	PCW
	ion 2 (September 2002)
1 A CONTRACTOR OF THE PROPERTY	vision October 30, 2008
Reg Ent. Reference No. RN101614212	and an annual section of the section
Media [Statute] Water Quality	-
Einf Coordinator Steve Villatoro	· ·
Violation Number 3. Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(6) and 317.4(g) and TPDES Permit No.	
WQ0013796001, Operational Requirements No. 1	
Failed to properly operate and maintain all facilities and systems of treatment and control. Violation Description Specifically, a high level alarm was not installed and only one pump was working at the on-site lift station, as documented during the September 29, 2009 investigation.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix	News
Harm Release Major Moderate Minor	-
OR Actual	
Potential X Percent 10%	
	New York
>>Programmatic Matrix Falsification Major Moderate Minor	AVAC AVAC
Percent 0%	of effect deleter
	110
Matrix Human health or the environment could be exposed to significant amounts of pollutants which would not Notes exceed levels that are protective of human health or environmental receptors as a result of this violation.	
	north Property
Adjustment \$9,000	i .
	\$1,000
<u>i</u>	φιιουσ
Violation:Events	
Number of Violation Events 1 85 Number of violation days	144
daily weekly	
monthly	
mark only one with an x Violation Base Penalty Violation Base Penalty	\$1,000
semiannual	u pombalitate
annual single event	THE PARTY LAWS
CONTROL CARRIED	
One quarterly event is recommended from the investigation date (September 29, 2009) to the screening	
date (December 23, 2009).	
Good Faith Efforts to Comply 0:0% Reduction	\$0
Before NOV NOV to EDPRP/Settlement Offer	-
Extraordinary	
Ordinary	
N/A X ((mark with x)	
Notes The Respondent does not meet the good faith criteria for this	1
violation	-
17. 1. 11. A.	61.000
Violation Subtotal	\$1,000
Economic Benefit (EB) for this violation Statutory Limit Test	
	1
Fetimated FR Amount \$225 Violation Final Penalty Total	\$1,480
Estimated EB Amount \$225 Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)	\$1,480 \$1,480

Violation No	a Water Quality i 3					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Ýrs Ji	iterest Saved	Onetime Costs	EB Amount
Item Descripțio	n No commas or \$						
Delayed Cost	S			cialine de	deducing at		
Equipment				0,00	\$0	\$0	\$0
Bulldings	effetig interestina	C. All		0,00	\$0	\$0	\$0
Other (as needed)	\$3,500	29-Sep-2009	30-Aug-2010	0.92	\$11	\$214	\$225
Engineering/construction	1 1 - 1		<u> </u>	0.00	\$0	\$0	\$0
Land				0.00	\$0	ut v = n/a = −	\$0
Record Keeping System				0.00	\$0	alice n/a see al	\$0
Training/Sampling				0.00	\$0	na va	\$0
Remediation/Disposal	3 2 2 2 2 2 2 2			0.00	\$0	in a na in	\$0 \$0
Permit Costs Other (as needed)				0.00	\$0 \$0	STATE OF STATES	\$U. \$0
Notes for DELAYED costs	Estimated cos		ligation date and fi			he on-site lift station ed compliance	i, Date required
Notes for DELAYED costs Avoided Cost		is the inves	tigation date and fi	inal date is intering Ite	date of expecte m (except for	ed compliance one-time avoided o	osts)
Avoided Cost		is the inves	tigation date and fi	inal date is intering ite	date of expecte m (except for \$0	ed compliance one-time avolded o	osts) \$0
Avoided Cost Disposal Personnel		is the inves	tigation date and fi	ntering Ite	date of expecte m (except for \$0 \$0	ed compliance one-time avoided (\$0 \$0	osts) \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling		is the inves	ligation date and fi ed costs before e	inal date is intering Ite 0.00 0.00	date of expecte (except for \$0 \$0 \$0	ed compliance one-time avoided (\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	s ANN	is the inves	tigation date and fi	inal date is intering Ite 0.00 0.00 0.00	m (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	s ANN	Is the inves	ligation date and fi ed costs before e	ntering Ite 0.00 0.00 0.00 0.00 0.00	date of expecte m (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time-avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	s ANN	Is the inves	tigation date and fi	inal date is intering Ite 0.00 0.00 0.00 0.00 0.00 0.00	date of expecte m (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	s ANN	Is the inves	tigation date and fi	ntering Ite 0.00 0.00 0.00 0.00 0.00	date of expecte m (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time-avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Screening Date 23-		Docket No	2009-1829-MWD-E	##P@Wf
Respondent 8 N Case ID No. 386	•			licy Revision 2 (September 2002)
Reg. Ent. Reference No. RN				PCW Revision October 30, 2008
Media [Statute] wa				
Enf. Coordinator Ste	- Innerthell and Inner a maj			
Violation Number Rule Cite(s)	4 30 Tex Admin Code	- 68-30-350(d) and 305-12	5(1) and TPDES Permit No.	
Nato Situ(s)		013796001, Other Requir		
	Specifically, the operator s once a week, as doc	tated that he lived 300 mil	a minimum of five days per week es from the Facility and operates mber 29, 2009 investigation.	
			Base Pen	alty \$10,000
>> Environmental, Property and I				·
Release	Harm Major Moderate	Minor		1.00
OR Actual			2007	
Potential			Percent 10%	Transmitter
>>Programmatic Matrix			Administration of the control of the	
Falsification	Major Moderate	Minor	Percent 0%	
A State of the sta	<u> </u>	35 to talled 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Percent 070	
Matrix Human health or exceed levels tha	the environment could be t are protective of human	exposed to significant am nealth or environmental re	ounts of pollutants which would n ceptors as a result of this violatio	ot ń.
			Adjustment \$9,	000
			<u> </u>	
				\$1,000
Violation Events	i transportation and decident			igeneral control of the control of t
Number of Violat	ion Events 1	86	Number of violation days	THE PROPERTY OF THE PROPERTY O
mark only one with an x	daily weekly monthly quarterly x emiannual		Violation Base Pen	alty \$1,000
Si	annual ngle event			
				The state of the s
One quarterly eve		the investigation date (Se (December 23, 2009)	ptember 29, 2009) to the screenle	ng i
Good Faith Efforts to Comply	0.0%	Reduction		\$0
According to the control of the cont	Before NOV	NOV to EDPRP/Settlement Off	er	- 1
Ex	traordinary			PATENTAL PAT
	Ordinary X	(mark with x)		
	le san en	ndent does not meet the great on.	ood faith criteria for this	
***************************************	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		Violation Subt	otal \$1,000
Economic Benefit (EB) for this vi	olation		Statutory Limit Test	
	water and the control of the control	#4.4.7.C.1	The state of the s	
Estimated E	:B Amount[\$1,170	Violation Final Penalty T	
}		This violation Final Ass	sessed Penalty (adjusted for lin	nits) \$1,480

Violation No	Water Quality 4					Percent Interest	Years of Depreciation
	Toronto					5.0	1
	Item Cost	Date Required	Final Date	Yrs	nterest Save	id Onetime Costs	EB Amount
ltem Description	I No commas or \$						
Delayed Costs		Jagos Garacia					iet divi
Equipment				0.00	\$0	\$0	\$0
Bulldings		V. A. A	Part dan da	0.00	\$0	\$0	\$0
Other (as needed)	\$20,000	29-Sep-2009	31-Jul-2010	0.84	\$56	\$1,114	\$1,170
Engineering/construction				0,00	\$0	\$0	\$0
Land		y sering a conquery	Augusta Turkka	0.00	\$0	Soldin Daire See	\$0
Record Keeping System				0.00	\$0	inger and series	\$0
. Training/Sampling				0.00	\$0	Sikwajijat zu II.	\$0 *0
Remediation/Disposal			10.1112 J. 12.111.41	0.00	\$0 \$0	Na Na	\$0 \$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs		· · · · · · · · · · · · · · · · · · ·	ion date, Final da				
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e		200 Car 2 Ca	or one-time avoided o	
Disposal				0.00	\$0 ***	\$0	\$O
•	A 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4			0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel	III. Comment of the C			0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel inspection/Reporting/Sampling			1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -			\$0	\$0
Personnel Inspection/Reporting/Sampling Supplies/equipment				11 0 00 1	12 AND		
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00	\$0 \$0		
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0 \$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]							

Sé	reening Date 23	3-Dec-2009	Docket No. 2009-1829-MWD-E	P¢W
	Respondent 8			evision 2 (September 2002)
Dan Ent D	Case ID No. 38 eference No. Ri		PCW	Revision October 30, 2008
	edia [Statute] W			
	Coordinator St			
Vi	lolation Number	5		1
	Rule Cite(s)	30 Tex. Ad WQ00	nin. Code §§ 305.125(1) and 319.7(a) and (c), and TPDES Permit No. 3796001, Monitoring and Reporting Requirements No. 3.5 and 3.c	raji DHen ra
		•••••		terminal ter
Viola	tion Description	Falled to have request. Spe	e all required monitoring and reporting records available for review upon cifically, the discharge monitoring reports ("DMR") were not available for review during the September 29, 2009 investigation.	To the state of th
	<u></u>		Base Penalty	\$10,000
>> Environmenta	I. Property and	Human He	alth Matrix	-
The State of Transfer Control of the State o			Harm	
OR	Release Actual	Major I	Moderate Minor	,
A Committee of the Comm	Potential		Percent 0%	
The committee of the co		caracarie Attitues		
>>Programmatic	Matrix Falsification	Major	Moderate Minor	
The state of the s		х	Percent 10%	Ange of to 1 t
				1
Matrix			100% of rule requirement was not met.	
Notes		n (1) Bulletin	100% of full requirement and flor flor.	
Control of discourse of the second and control and con	The second of th			
			Adjustment \$9,000	1996
				\$1,000
Violation Events				TATALON AND AND AND AND AND AND AND AND AND AN
	Number of Viola	ation Events	1 85 Number of violation days	
	2 200.00	dally		AMERICAN PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY
		weekly		
	mark only one	monthly quarterly	Violation Base Penalty	\$1,000
Les primites societés	with an x	semiannual		
744 - 74-74-74-74-74-74-74-74-74-74-74-74-74-7	100 mg	annual [- Company of the Comp
		ingle event	<u> </u>	HANNAMAT.
A Company of the Comp				A. P. C. A. W. C. B.
s. Comment of the second of th			One single event is recommended.	11.10
		21 L		
Good Faith Effor	ts to Comply		0.0% Reduction	\$0
	F	xtraordinary	Before NOV NOV to EDPRP/Settlement Offer	
Andrews and a second a second and a second a		Ordinary		1
		N/A	X. (mark with x)	
			The Respondent does not meet the good faith criteria for this	
The state of the s		Notes	violation.	1
T and a section of the section of th		<u> </u>		
***			Violation Subtotal	\$1,000
Economic Benef	it (EB) for this v	riolation .	Statutory Limit Test	
	a decrease where agent 5 is		The state of the s	£1 AQA
the second secon	Estimated l	EB Amount[\$8 Violation Final Penalty Total	\$1,480
1				
			This violation Final Assessed Penalty (adjusted for limits)	\$1,480

		:conomic	Benefit W	orksi	1 ee t		
Respondent	The second of the second	the substitution that the property of the substitution of the subs	MAN COLUMN TO THE PARTY OF THE	BBC 1251 175514	ile Simero Militari	oringo (in grap i pre dell'escische recinit	magnetical arendation of the restal
Case ID No.	38667						
Reg. Ent. Reference No.	RN101614212						
	Water Quality					Percent Interest	Years of
Violation No.						secementerest	Depreciation
				intea	the Militari	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Save	Securitaria de la constitución d	EB Amount
	The state of the s	CONTRACTOR STOREST OF THE STOREST OF	riidi Date:	111	lillel ezi gave	a - Ollecinie Costa	LD MILLULIL
item Description	No commas or \$		ar a ti Taip ada	L PROVINCE			
						a salah ili dinali ili bilah	er en
Delayed Costs	k p2 chiqq (4)			12 - 22 - 22 - 23 12 - 23 - 23 - 24			The second to
Equipment				0,00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	11,000,000		i in	0,00	\$0	\$0	\$0
Engineering/construction	<u>. 45.3 (. 15.3 (. 16.5 (. 16.5)</u>	A com a North Arter		0.00	\$0	\$0	\$0
Land	4000	00.0		0,00	\$0	east what is a	\$ 0
Record Keeping System	\$200	29-Sep-2009	31-Jul-2010	0.84	\$8	in in a second	\$8
Training/Sampling				0.00	\$0 \$0	THE TVA TEXT	\$0 \$0
Remediation/Disposal				0,00			\$0
Permit Costs		16.	k i sa sa sa sa sa kalawa	0.00	\$0	a way na	3557
Citiza (an popularit)		0.12		0.00	60	TO THE THE PARTY CONTRACTOR	
Other (as needed)				0.00	\$0	e par partir	\$0
Notes for DELAYED costs		dal	e. Final date is th	i for main e expecte	taning DMRs of d date of comp	n site. Date required Iliance:	\$0 is investigation
Notes for DELAYED costs		dal	e. Final date is th	i for main e expecte ofering it	taning DMRs of d date of comp em (except fo	on site. Date required pliance. r-one-time avoided o	\$0 is investigation sosts)
Notes for DELAYED costs AVOIDED COSTS Disposal		dal NUALIZE [1] avoid	e. Final date is the	for mains e expecte otering it 0.00	taning DMRs o d date of comp em (except fo \$0	on site. Date required oliance. r one-time avoided of	\$0 is investigation costs) \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel		dal	e. Final date is th	of for maint expected fitering it 0.00	taning DMRs.c d date of comp em (except fo \$0 \$0	on site. Date required oliance: r.one-time avoided of \$0 \$0	\$0 is investigation iosts) \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling		dal NUALIZE [1] avoid	e. Final date is the	for mains e expecte otering it 0.00	taning DMRs o d date of comp em (except fo \$0	on site. Date required oliance: r.one-time avoided of \$0 \$0	\$0 is investigation costs) \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANI	dal NUALIZE [1] avoid	e. Final date is th	tor maint expected offering it 0.00	taning DMRs of d date of comp em (except fo \$0 \$0	on site. Date required oliance. r. one-time avoided of \$0 \$0 \$0 \$0	\$0 is investigation iosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANI	dal NUALIZE [1] avoid	e. Final date is the	tering it	taning DMRs of d date of comp em (except fo \$0 \$0 \$0	on site. Date required of site. Part of site. To one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 is investigation iosts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANI	dal NUALIZE [1] avoid	e. Final date is the	ofer mains of the second of th	taning DMRs of d date of comp em (except fo \$0 \$0 \$0 \$0	r one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 is investigation sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANI	dal NUALIZE [1] avoid	e. Final date is the	ofering it	taning DMRs of d date of comp em (except fo \$0 \$0 \$0 \$0 \$0	r one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 is investigation iosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANI	dal NUALIZE [1] avoid	e. Final date is the	ofering it	taning DMRs of d date of comp em (except fo \$0 \$0 \$0 \$0 \$0	r one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 is investigation is 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANI	dal NUALIZE [1] avoid	e. Final date is the	ofering it	taning DMRs of d date of comp em (except fo \$0 \$0 \$0 \$0 \$0	r one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 is investigation iosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
AVOIDED COSTS AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANI	dal NUALIZE [1] avoid	e. Final date is the	ofering it	taning DMRs of d date of comp em (except fo \$0 \$0 \$0 \$0 \$0	r one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 is investigation iosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANI	dal NUALIZE [1] avoid	e. Final date is the	ofering it	taning DMRs of d date of comp em (except fo \$0 \$0 \$0 \$0 \$0	r one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 is investigation is 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANI	dal NUALIZE [1] avoid	e. Final date is the	ofering it	taning DMRs of d date of comp em (except fo \$0 \$0 \$0 \$0 \$0	r site. Date required of site. Date required of site. So so so so so so	\$0 is investigation is 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	23-Dec-2009	Docket	No. 2009-1829-MWD-E	RCW
Respondent	8 Mile Park, L.P.			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision October 30, 2008
Reg, Ent. Reference No.				
Media [Statute]				TI DESCRIPTION OF THE PROPERTY
Enf. Goordinator	Pro			1
Violation Number				
Rule Cite(s)		30 Tex. Admin Code	317.7(e)	- 11 1 1 I
Violation Description	surrounding the Facility areas and hazard signs s	did not have barbed wire a	azard signage. Specifically, the nd was less than eight feet tall ks - No Trespassing" were not ar 29, 2009 investigation.	in some
	,		Base	Penalty \$10,000
>> Environmental, Property an	id Human Health Ma	trix		179
Control of the Contro	Harm	ing grapher algority of the members of the second s		viviolet
Release	Major Moderate	e <u>Minor</u> .		vertili
OR Actual		. H. J. Brander St. St.	D 400/	Multimen
Potential	<u> </u>	500 No. 500 No. 5	Percent 10%	para mana
>>Programmatic Matrix			Administration of the second s	INVESTIGATION
Falsification	Major Moderate	e Minor	tower or organism. It	THE PROPERTY OF THE PROPERTY O
Talsinoatori	Major Moderati		Percent 0%	
	la constitue de la constitue d			Posterior Park
A Managambar on et la physical and de la managambar on en la managambar on et la managambar on et la managambar on en la manag		5.0 ·		
The party of the p			amounts of pollutants which we	
Notes exceed levels			Freceptors as a result of this vi	olation.
Comments of the Comments of th				<u> </u>
	en men depende pri i di proje, in jindiga farekadekadekadekadeka na nagara na giannika na i finda pa Barra Ni di Prancia amanananananananananananananananan nagara Nijelanda na nagara na nagara na i fina na nagar Dan pada nagara na nagara na		Adjustment	\$9,000
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				04.000
	•			\$1,000
Violation Events			The second secon	A THE STATE OF THE
Violation Events				
Number of Vi	olation Events 1	85	Number of violation days	A) I domestic
			············	and Hasting
mark only one with an x	daily weekly monthly quarterly semiannual		Violation Base	Penalty \$1,000
	annual			COMPANIE OF THE PROPERTY OF TH
	single event			
One quarterly		om the investigation date (late (December 23, 2009).	September 29, 2009) to the scr	eening
		The state of the s		
Good Faith Efforts to Comply		Neduction		\$0
	Before NO	V NOV to EDPRP/Settlement	Offer	
	Extraordinary		<u> </u>	
	Ordinary			2.1
	N/A	(mark with x)		vivalent
	Notes The Res	pondent does not meet the violation	e good faith criteria for this	
			Violation	Subtotal \$1,000
Economic Benefit (EB) for this	violation:		Statutory Limit Tes	
Estimate	d EB Amount	\$514	Violation Final Pena	alty Total \$1,480
	 			
		This violation Final A	Assessed Penalty (adjusted fo	or limits) \$1,480
A CONTROL OF THE PROPERTY OF T				

	control biland bi relativemental	conomic l	Benefit W	orks	heet		
Respondent		₽.					
Case ID No.							
Reg. Ent. Reference No.						The second secon	Years of
er i garaga kang dan salatan kanada at kanada Manada Manada Manada Manada Manada da kanada da kanada da kanada	Water Quality					Percent Interest	the first of the party of the control of
Violation No.	6 Berryalas algebras	and the good at the second of the	teren men dilleration in laucelan were bie	alian inggra			Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or \$	Principal Committee Committee					
Contacts discourse the contact the statement of the state	outer prantisioner annes	Control of the strategy of the second strategy of the second strategy of the second se	- 100-00 10 10 00 00 00 00 00 00 00 00 00 00 00	PO ELLIO PER CARRISTO	School Company of the Swiggers Grap (1971) LINE	Chi and a Chaptage and any photo in the fac-	
Delayed Costs	W. Francisco	The season of th	ere (Cessonal de 148)				SFASTIONES.
Equipment				0.00	\$0	\$0	\$0.
Buildings	i i se est estat.			0.00	\$0	\$0	\$0
Other (as needed)	\$8,000	29-Sep-2009	30-Aug-2010	0.92	\$24	\$489	\$514
Engineering/construction	F 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0.00	\$0	\$0	\$0
Land		t		0,00	\$0	tar sanciva se la	\$0
Record Keeping System				0:00	\$0	isakwa Na 🖛 🚟	\$0
Training/Sampling				0,00	\$0	A Witha	\$0
Remediation/Disposal				0,00	\$0	al - Na Na Series	\$0
Permit Costs				0,00	\$0	2 1/2 1/2 1	\$0
Other (as needed)			en eur de la Materia	0.00	\$0	la de la companya de	\$0
Notes for DELAYED costs Avoided Costs		Date required is the	investigation date	and fina	al date is date of e	and properly install expected compliance one-time avoided of	3 .
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling		i i i i i i i i i i i i i i i i i i i		0.00	\$0	\$0	\$0
Supplies/equipment	A	1 (C) (X (C) (C) (C) (C)	. Makka ingka	0.00	\$0	\$0	\$0
Financial Assurance [2]	Same and the			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	i i i			0.00	\$0	\$0	\$0
Other (as needed)	. A.3			0:00	\$0	\$0	\$0
Notes for AVOIDED costs			e de la composition della comp				
HOURS FOI MACINED GOSTS				i ii a			

Screening Date		Docket	No. 2009-1829-MWD-E	REPOWE
*	8 Mile Park, L.P.			Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.	t .			PCW Revision October 30, 2008
Media [Statute]				
Enf. Coordinator				
Violation Number	7			
Rule Cite(s)		30 Tex. Admin. Code §	317,4(a)(8)	
Violation Description				
				, charty
>> Environmental, Property an			A Control of the Cont	
Release	Ha Major Mode	r m erate Minor		
OR Actual				
Potential	X		Percent 25%	
>>Programmatic Matrix			00 il delle dans Jago 10 il delle dans Jago 10 il delle delle dans Jago 10 il delle del	
Falsification	Major Mode	erate Minor		
Company of the Compan			Percent 0%	
Control of the Contro				
Matrix Human heal	th or the environment	could be exposed to significan	t amounts of pollutants which w I receptors as a result of this vio	ould
Notes exceed levels	that are protective or i	iuman nealin or environmenta	rreceptors as a result of this vic	RAUUII
				\$7,500
			Adjustment	
Anna Paris				\$2,500
Violation Events				The property of the control of the c
				Paragon Apparatus securios
777-7-		3. 85	Number of violation days	
mark only one with an x	daily weekly monthly yuarferty semiannual	X.	Violation Base	Penalty \$7,500
	annual			
-	single event			
Three monthly e	events are recommen	ded from the investigation date date (December 23, 2009).	(September 29, 2009) to the s	creening
Good Faith Efforts to Comply	The second secon	0:0% Reduction		\$0
		e NOV NOV to EDPRP/Settlement	Offer	
	Extraordinary			
	Ordinary	(markerille A		
		x (mark with x) Respondent does not meet the vlotation.		
and the state of t			Violation	Subtotal \$7,500
- Andrew Company (Co. 1821) (Co.				
Economic Benefit (EB) for this	violation		Statutory Limit Tes	
Estimate	ed EB Amount	\$64	Violation Final Pena	ity Total \$11,100
***************************************		This violation Final /	Assessed Penaity (adjusted fo	or limits) \$11,100
	Value of the second of the sec			

Media Violation No.	RN101614212 Water Quality					Percent Interest	Years of Depreciation
violation ivo.			errande eur			5.0	1
	Item Cost	Date Regulred	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
A profit which the company in descriptions of the control of the c	**************************************	Search and the parent of the last	AND CHESTON IN THE SERVICE CO.		1 3 4 1 C/O. 1 91 E 1		
Delayed Costs		Leonaria y 4			al Fridde	STATE OF THE PE	
Equipment	reference (177)			0.00	\$0	\$0	\$0
Bulldings				0,00	\$0	\$0	\$0
Other (as needed)	\$1,000	29-Sep-2009	30-Aug-2010	0.92	\$3	\$61	\$64
Engineering/construction			and the formulation	0.00	\$0	\$0	\$0
Land	11.			0.00	\$0	and pieces in a	\$0
Record Keeping System	a transmission of			0.00	\$0	three manual actions of	\$0
Training/Sampling		arcidio accidio del		0.00	\$0	a a material	\$0
Remediation/Disposal	1 1 1 1 1 1 1	in the last section is		0.00	\$0	Zasaninia wasa	\$0
Remediadololosposal		A CONTRACT OF A					
Permit Costs				0,00	\$0	ale & Infalsaci	\$0
Permit Costs Other (as needed)	Estimated cos	t to install and RP	Z backflow preven	0.00	\$0 \$0	n/a n/a e required is the inv	\$0
Permit Costs Other (as needed) Notes for DELAYED costs			and final date is d	0.00 lion device ate of exp	\$0 \$0 or air gap. Dat ected complianc	e required is the inv e.	\$0 estigation date
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS			and final date is d	0:00 lion device ate of expo ntering it	\$0 \$0 For air gap. Dat ected compliance on: (except for	e required is the inv e. one-tlime avoided o	\$0 estigation date
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal			and final date is d	0.00 lion device ate of expo ntering it	\$0 \$0 e or air gap. Dat ected complianc em (except for \$0	e required is the inv e. one-time avoided o \$0	\$0 estigation date costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel			and final date is d	0:00 lion device ate of expo ntering li 0:00	\$0 \$0 For air gap. Dat exted compliance on (except for \$0 \$0	e required is the inv e. one-time avoided o \$0.	\$0 estigation date (osts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling			and final date is d	0:00	\$0 \$0 or air gap. Dat ected compliance bin (except for \$0 \$0 \$0	e required is the inv e. one-time avoided o \$0 \$0 \$0	\$0 estigation date costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			and final date is d	0:00 lion device ate of expension of expensi	\$0 \$0 ected compliance of the text of the	e required is the inv e. one-time avoided t \$0 \$0 \$0 \$0	\$0 estigation date (osts): \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			and final date is d	0.00	\$0 \$0 ected compliance bin (except for \$0 \$0 \$0 \$0 \$0	e required is the inve. one-time avoided of \$0. \$0. \$0. \$0. \$0. \$0.	\$0 estigation date osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Service Space of Books ANN		and final date is d	0.00	\$0 \$0 or air gap. Dat ected complianc sinulexcept for \$0 \$0 \$0 \$0	e required is the inve. one-time avoided to \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 estigation date sosts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]			and final date is d	0.00	\$0 \$0 ected compliance bin (except for \$0 \$0 \$0 \$0 \$0	e required is the inve. one-time avoided of \$0. \$0. \$0. \$0. \$0. \$0.	\$0 estigation da sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

.

	Pen	alty Cal	culation	Mork	sheet (P	CW)	
Policy Revision 2 (Sep		anty Oai	Culation	- VVOIN	311001 (1	•	vision October 30, 2008
ICEC DATES Assigned PCW		creening 3	-Nov-2009	EPA Due			
	8 Mile Park, L.P.			200-201- (2 1- 3 1)			Military in the control
Reg. Ent. Ref. No. Facility/Site Region				Major	Minor Source	Minor	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media	2009-1829-MWD-E			Governme	of Violations Order Type ent/Non-Profit	1660	
Admin. Penalty \$	Limit Minimum	\$0 M a	ximum [\$10,000		Enforcement Tea	m1
		Penalty	Calculat	tion Sec	tion		
TOTAL BASE PENAL		-				Subtotal 1	\$9,000
ADJUSTMENTS (+/-)	TO SUBTOTAL	123		arri sii	vi Ve Sus	Jerija i	
Subtotals 2-7 are obtai Compliance Hist			120.0%	Enhancement	Subt	otals 2, 3, & 7	\$10,800
Notes	The penalty is e violations and thr						
Gulpability	No		0.0%	Ephancement		Subtotal 4	\$0
Notes	The Resp	ondent does	not meet the	culpability c	riteria.		
Good Faith Effor	t to Comply Total	Adjustment			finalisi (dali)	Subtotal 5	\$0
Economic Benef Approx.	Total EB Amounts Cost of Compliance	\$1,459 \$5,950		Inhancement* at the Total EB		Subfotal 6	\$0
SUM OF SUBTOTAL	\$ 1-7 <u> 1</u>	The state of the s		A distance of the second secon		Final Subtotal	\$19,800
OTHER FACTORS A Reduces or enhances the Final S			E	-6.4%		Adjustment	-\$1,262
Notes	Recommend re- violations and do violations that v amount; and ind avoid	ouble-enhand vere self-rep cludes the re	ement of the orted do not o	penalty amo verly impact enhancemer	unt for same the penalty at to capture		
The second secon			<u></u>	**************************************	Final Pe	nalty Amount	\$18,538
STATUTORY LIMIT	ADJUSTMENT	MARCOLINA O	Section 1985		Final Ass	essed Penalty	\$18,538
DEFERRAL Reduces the Final Assessed Per	nally by the indicted perc	entage. (Enter i	number only; e.g.	20.0 % 20 for 20% red		Adjustment	-\$3,707
Notes	De	ferral offered	for expedited	l settlement.			

PAYABLE PENALTY

\$14,831

Docket No. 2009-1829-MWD-E

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Screening Date 3-Nov-2009

Respondent 8 Mile Park, L.P. Case ID No. 38667

Reg. Ent. Reference No. RN101614212

Media [Statufe] Water Quality

Enf. Coordinator Steve Villatoro

Compliance History Worksheet

Compone	ory Site Enhancement (Subtotal 2) nt Number of	nter Number Here	Adjust.
NOVs.	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	24	120%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgmen		0	0%
and Conse Decrees	TILION ISRIE Defend final court judgments and default judgments, or non-adjudicated final COURT	0	. 0%
Conviction	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emission		0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	Ö	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Su	ubtotal 2) 1
Repeat Violator (Subtotal 3)		
	No Adjustment P	ercentage (Sเ	ıbtotal 3)
Compliance Hist	ory Person Classification (Subtotal 7)		
Average	Performer Adjustment P	ercentage (Su	ıbtotal 7) 🔃
Compliance Hist	ory Summary		
Complian History Notes	The penalty is enhanced due to 21 self-reported monthly effluent violations and three NOVs similar to those cited in this action.	with violations	
	Total Adjustment Percentage	(Cubtotale (2, 3, & 7) 1

Screening Date	3-Nov-2009	Docket No. 2009-1829-MWD-E	PEW
Respondent		Policy Re	vision 2 (September 2002)
Case ID No.		PCW	Revision October 30, 2008
Reg. Ent. Reference No.			
Media [Statute]			1
Enf. Coordinator	Annea		
Violation Number		THE COMMON AND THE PROPERTY OF A COMMON AND T	
Rule Cite(s)		ode § 26.121(a), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Elimination System ("TPDES") Permit No. WQ0013796001, Effluent	
TRESIDENCE TO THE PROPERTY OF		Limitations and Monitoring Requirements Nos. 1 and 6	
Violation Description		mply with permit effluent limits, as documented during a record review onducted on June 15, 2009 and shown in the attached table.	
	٦	Sidubcled Off Surie 10, 2008 and shown in the attached table.	
TOTAL PARTIES		Base Penalty _	\$10,000
>> Environmental, Property an	d Human He	allh Matrix	17.1
SS TIMINATURE TO BEING BIT	id: Halle is eje	Harm	
Release	Major	Moderate Minor	1
OR Actual		**************************************	
Potential	<u>Landing and the second control of the secon</u>	Percent 10%	
>>Programmatic Matrix			TO THE PARTY OF TH
Falsification	Major	Moderate Minor	
		Percent 0%	
7			
A simplifie	d model was us	ed to evaluate blochemical oxygen demand to determine whether the	
discharged	amounts of poll	itants exceeded levels protective of human health or the environment.	
Notes Dissolved Ox		uspended solids were also considered. As a result of these discharges,	
numan neam		ent has been exposed to insignificant amounts of pollutants which do not protective of human health or environmental receptors.	
Co. S. La Constanting Constant			
American production of the control o		Adjustment \$9,000	
	The control of the second of t		
4 mention		· L	\$1,000
Violation Events	And the second s		
Number of Vi	olation Events	4 Number of violation days	
·			***************************************
The state of the s	daily		as rational
	weekly	the state of the s	141 141 141
mark only one	monthly quarterly	χ Violation Base Penalty	\$4,000
with an x	semiannual	Troiting pase (charly L	
RIANA CONTRACTOR CONTR	annual		- viviet
or residence of	single event		i i
·			
	in the second		
		Four quarterly events are recommended.	,
Linguis Commission	***************************************		
Good Faith Efforts to Comply		0:0% Reduction:	\$0
	The state of the s	Before NOV NOV to EDPRP/Settlement	
*** Table Ta	Extraordinary		1
A 1 C 1 C 1 C 1 C 1 C 1 C 1 C 1 C 1 C 1	Ordinary		
and the same of th	N/A	X (mark with x)	1
ware the		The Respondent does not meet the good faith criteria for this	
	Notes	violation.	
****	Ŀ		T) I HARMAN
(special)		Violation Subtotal [\$4,000
	ya maa koofosolobooloboolobooloo		
Economic Benefit (EB) for this	violation =	Statutory Limit Test	
Fait	ed EB Amount	\$788 Violation Final Penalty Total	\$8,239
Estimate	M FR WINDRING	wiolation Final Penalty Total	Ψ0,209
		This violation Final Assessed Penalty (adjusted for limits)	\$8,239

Reg. Ent. Reference No.	RN101614212 Water Quality					R-1467/25 1- 147-50-1762	Years of
Violation No.				I CARLAN A TOTAL		Percent Interest	Depreciation
		Ting a signification of the control	graficile file			5.0	1
	item Cost	Date Regulred	Final Date	Yrs I	nterest Saved	Onetime Costs	EB Amount
item Description	No.commas.or.\$				Jarthare.		
Delayed Costs	ACTION OF STREET	MATCHE LE		i razan		elfere byter	
Equipment			371,382796 458.1-1588	0.00	\$0	\$0	\$0
Buildings		*	28.	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	30-Jun-2008	30-Sep-2010	2,25	\$38	\$751	\$788
Land [er y jagan b	Maria de la composición del composición de la co		0,00	\$0	行数学可/a X 与公元	\$0.
Record Keeping System				0.00	\$0	er i Filanda	\$0
Training/Sampling				0.00	\$0	garanya sa	\$0
Remediation/Disposal				0.00	\$0	Wat Til Va	\$0 ***
Permit Costs Other (as needed)			8	0.00	\$0 \$0	nia nia	\$0 \$0
	Catimated and	esto dotormino the	navice officer com	nliance an			
Notes for DELAYED costs	Estimated cost				d to implement	corrective actions.	
Notes for DELAYED costs Avoided Costs		the first date of	ron-compliance. F	nal date is ntering ite	d to implement the expected im (except for	corrective actions. date of compliance. one-time avoided (Date required is
Avoided Costs Disposal		the first date of I	ron-compliance. F	nal date is ntering ite 0.00	d to implement the expected im:(except for \$0	corrective actions, date of compliance. one-time avoided:	Date required is costs)
Avoided Costs Disposal Personnel		the first date of	ron-compliance. F	nal date is ntering ite 0.00	d to implement the expected im (except for \$0 \$0	corrective actions, date of compliance. one-time avoided of \$0.000 \$0.0	Date required is sosts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		the first date of I	non-compliance. F	nal date is ntering ite 0.00 0.00	d to implement the expected m.(except for \$0 \$0	corrective actions, date of compliance. one-time avoided to \$0	Date required to
Avoided Costs Disposel Personnel Inspection/Reporting/Sampling Supplies/equipment		the first date of a	on-compliance. F	nal date is ntering ite 0.00 0.00 0.00	d to implement the expected (except for \$0 \$0 \$0	corrective actions, date of compliance. one-time avoided (\$0 \$0 \$0 \$0	Date required to
Avoided Costs Disposal Personnel Inspection/Reporting/Sampfing Supplies/equipment Financial Assurance [2]		the first date of i	non-compliance. F	nal date is ntering ite 0.00 0.00 0.00 0.00	d to implement the expected m (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	corrective actions, date of compliance. one-time avoided to \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Date:required is \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampfing Supplies/equipment		the first date of a	on-compliance. F	nal date is ntering ite 0.00 0.00 0.00	d to implement the expected (except for \$0 \$0 \$0	corrective actions, date of compliance. one-time avoided (\$0 \$0 \$0 \$0	Date required to

Screening Date	3-Nov-2009	Docket I	No.: 2009-1829-MWD-E	PCW
Respondent	8 Mile Park, L.P.			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision October 30, 2008
Reg, Ent. Reference No.	RN101614212			1
Media [Statute]	Water Quality			111212111111111111111111111111111111111
Enf. Coordinator				
Violation Number	S			
Rule Cite(s)	30 Tex. Admin. Code § 3		WQ0013796001, Effluent	Limitations
CONTROL OF THE CONTRO	E	and Monitoring Requirem	ients:No. 2	
Violation Description	ending April 2008 thro documented during	ugh December 2008 and Ja a record review conducted o	<u> </u>	2009, as lly, the silable for
			Ba	se Penalty \$10,000
>> Environmental, Property an		trix ====================================		
Release	Harm Major Moderat	e Minor		
OR Actual	Major Moderat			of transact
Potential	x		Percent 10%	THE PERSON NAMED IN COLUMN TO SERVICE AND ADDRESS OF THE PERSON NAMED IN COLUMN TO SE
A consistence of the construction of the const	7			
>>Programmatic:Matrix			Control of the Contro	Transfer
Falsification Falsification	<u>Major</u> Moderat	e Minor		TO AND THE PARTY OF THE PARTY O
3 Visionanda efficia (1) de la contractión de la contractión de la contractión de de la contractión de la contractión de la contractión de la contractión de			Percent 0%	Treatment of the Control of the Cont
Variety of the Control of the Contro				
Matrix Human health	or the environment will c	r could be be exposed to sig	inificant amounts of pollutar	its which
Notes would not exce	sed levels that are protect		onmental réceptors as a re-	suit of the
A Victoria de Cartina	<u> </u>	ylolation.		404 144 14
				#0.000l
			Adjustment	\$9,000
				\$1,000
				Trouble
Violation Events	The second secon	March 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		
				## PP PP PP PP PP PP PP P
Number of Vi	olation Events 4	335	Number of violation day	ys į
1				u de la constante de la consta
mark only one	daily Weekly monthly			- D - 14 - 100
with an x	quarterly x semiannual :		Violation Ba	se Penalty \$4,000
· Constant of the Constant of	single event			
	Entra	arterly events are recomme	ndad	
	ı dai qü	and around or or to continue		·
į Lietuviniai ja 	<u> </u>			
Good Faith Efforts to Comply	0,	0% Reduction		\$0
	Before NC		Offer	
	Extraordinary			CT I I I I I I I I I I I I I I I I I I I
-	Ordinary		· . <u></u>	LI MARIE
	N/A x	(mark with x)		
	Notes The Re	spondent does not meet the violation.	good faith criteria for this	The second secon
no contrar con			Violatio	n Subtotal \$4,000
Economic Benefit (EB) for this	violation		Statutory Limit Te	
Estimate	ed EB Amount	\$657	Violation Final Pe	nalty Total \$8,239
		This violation Final A	ssessed Penalty (adjusted	for limits) \$8,239
		ing fioladoll i liidi A	charty (aujusteu	7-1250

Economic Benefit Worksheet Respondent 8 Mile Park, L.P. Case ID No. 38667 Reg. Ent. Reference No. RN101614212 Medja Water Quality Years of Percent Interest Depreciation Violation No. 2 5.0 15 Final Date Yrs Interest Saved Onetime Costs Item Cost Date Required Item Description No commas or \$ Delayed Costs Equipment 0.00 \$0 \$0 \$0 0.00 \$0 \$0 \$0 Buildings Other (as needed) 0.00 \$0 \$0 \$0 0.00 \$0 \$0 \$0 Engineering/construction in/a \$0 0,00 Land \$0 0,00 2,33 \$0 n/a \$0 Record Keeping System 31-Jul-2010 \$29 \$0 1-Apr-2008 Training/Sampling en/a \$29 Remediation/Disposal 0.00 \$0 Permit Costs 0,00 \$0 \$0 0,00 Other (as needed) Estimated cost to update operational guidance to ensure sampling for chlorine residual is conducted. Date Notes for DELAYED costs required is the first date of non-compliance. Final date is the expected date of compliance. ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs) Avoided Costs \$0 \$0 \$0 \$0 0.00 \$0 Disposal \$0 0.00 Personnel 1-Apr-2008 31-Mar-2009 \$30 \$598 \$628 Inspection/Reporting/Sampling 1.00 Supplies/equipment 0.00 \$0 \$0 \$0 \$0 \$0 Financial Assurance [2] 0,00 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 0.00 Other (as needed) Estimated cost that was avoided by failing to analyze the required parameters at \$50 per month. Date required is Notes for AVOIDED costs the first date of noncompliance. Final date is the last date of non-compliance. TOTAL \$657 \$850 Approx. Cost of Compliance

The second secon	3-Nov-2009	Docket No. 2009-1829-MW	D-E	PCW
	8 Mile Park, L.P.		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision	October 30, 2008
Reg. Ent. Reference No. Media (Statute)				
Enf. Coordinator				April 1994
Violation Number				
Rule Cite(s)	30 Tex: Admin. Cod	Je § 305.125(17) and TPDES Permit No. WQ00137 Provisions	796001, Sludge	A LANGE OF THE PARTY OF THE PAR
		novacits		di Frances
Violation Description	September 1; 2008, a	nnual sludge report for the monitoring period ending as documented during a record review conducted o	j July 31, 2008, by n June 15, 2009.	nage to also must use use
	<u> </u>		Base Penalty	\$10,000
>> Environmental, Property ar	id Human Health N	Vatrix	Annual Advantage of Agency Age	
Account to the second and the second	Hari	m	and the second s	
Release OR Actual		rate Minor		***************************************
Potential		Percent	0%	
>>Programmatic Matrix				
Falsification	Major Moder			
For American Andrings are transported publications of the Commission of the Commissi	X	Percent	10%	1
A primary and processor and pr				
Official way is marked to a company of the company	1009	% of rule requirement was not met.		200
Comment of the Commen				1
		Adjustment	\$9,000	-
				\$1,000
			**************************************	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Violation Events			And the control of th	LEWALIANA
	olation Events 1		tion days	LIPECTIFICATION PROPERTY OF THE PROPERTY OF TH
	olation Events 1	Number of viola	tion days	
	daily weekly.		tion days	
Number of Vi mark only one	daily weekly monthly		ion Base Penalty	\$1,000
Number of V	daily weekly monthly quarterly semiannual		·	\$1,000
Number of Vi mark only one	daily weekly monthly quarterly semiannual		·	\$1,000
Number of Vi mark only one	daily weekly monthly quarterly semiannual		·	\$1,000
Number of Vi mark only one	daily weekly monthly quarterly semiannual annual single event x	Violati	·	\$1,000
Number of Vi mark only one	daily weekly monthly quarterly semiannual annual single event x		·	\$1,000
Number of Vi mark only one with an x	daily weekly monthly guarterly semiannual annual single event x	Violatine single event is recommended.	·	\$1,000
Number of Vi mark only one	daily weekly monthly quarterly semiannual annual single event Or	Violatine single event is recommended.	·	
Number of Vi mark only one with an x	daily weekly monthly quarterly semiannual annual single event Or Before Extraordinary	Violatine single event is recommended.	·	
Number of Vi mark only one with an x	daily weekly monthly quarterly semiannual annual single event X Or Extraordinary Ordinary	Violation Nov to EDPRP/Saltiement Offer	·	
Number of Vi mark only one with an x	daily weekly monthly quarterly semiannual annual single event Or Extraordinary Ordinary N/A X	violation Nov NoV to EDPRP/Seltlement Offer (mark with x)	ion Base Penalty	
Number of Vi mark only one with an x	daily weekly monthly quarterly semiannual annual single event Or Extraordinary Ordinary N/A X	Violation NOV NOV to EDPRP/Saltiement Offer (mark with x) Respondent does not meet the good faith criteria for violation.	ion Base Penalty	
Number of Vi mark only one with an x	daily weekly monthly quarterly semiannual annual single event Or Extraordinary Ordinary N/A x	violate ne single event is recommended. 0.0% Reduction NOV NOV to EDPRP/Seltlement Offer (mark with x) Respondent does not meet the good faith criteria for	ion Base Penalty	
Number of Vi mark only one with an x	daily weekly monthly quarterly semiannual annual single event Or Extraordinary Ordinary N/A x	Violation: O.0% Reduction NOV NOV to EDPRP/Saltiement Offer (mark with x) Respondent does not meet the good faith criteria for violation.	ion Base Penalty	
Number of Vinark only one with an x Good Faith Efforts to Comply	daily weekly monthly quarterly semiannual single event Cr Extraordinary Ordinary N/A X Notes The F	Violation: O.0% Reduction NOV NOV to EDPRP/Saltiement Offer (mark with x) Respondent does not meet the good faith criteria for violation.	ion Base Penalty this /lolation Subtotal	\$0
Mumber of Vinark only one with an x Good Faith Efforts to Comply Economic Benefit (EB) for this	daily weekly monthly quarterly semiannual annual single event Or Extraordinary Ordinary N/A Notes The F	Violation Nov to EDPRP/Saltlement Offer (mark with x) Respondent does not meet the good faith criteria for violation.	ion Base Penalty this //olation Subtotal mit Test	\$1,000
Mumber of Vinark only one with an x Good Faith Efforts to Comply Economic Benefit (EB) for this	daily weekly monthly quarterly semiannual single event Cr Extraordinary Ordinary N/A X Notes The F	violate o.0% Reduction NOV NOV to EDPRP/Seltlement Offer (mark with x) Respondent does not meet the good faith criteria for violation.	ion Base Penalty this //olation Subtotal mit Test	\$0

	RN101614212					Kallinininininingha shining sa sa sa sa	
Media Violation No.	Water Quality 3					Percent Interest	Years of Depreciation
						5,0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				44		
Delayed Costs	Parit Parit a 1880.		comparting and		DATE OF THE TRACE.		
Equipment				0,00	\$0	\$0	\$0
Bulldings				0,00	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2008	31-Jul-2010	1,91	\$1 \$0	\$13 \$0	\$13 \$0
Engineering/construction Land			<u>ka dawar uru</u>	0.00	\$0 \$0	50 1/6 9	\$0
Record Keeping System	<u> </u>	Calley a religious	<u> Parlando de la companya de la comp</u> La companya de la comp	0.00	\$0 \$0		\$0
Training/Sampling				0.00	\$0	n/a ==	\$0
Remediation/Disposal				0.00	\$0	was and said	\$0
Permit Costs				0.00	\$0	Salar - Tre James	\$0
Other (as needed)	Estimated cos	at to prepare and st	ibmit the annual s	0:00 ludge rer	\$0 oort. Date require	d is date the report	\$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Art. Leve See	it to prepare and su	ibmit the annual s date is the exp	0:00 ludge repected dat ntering	\$0 iont. Date require e of compliance. Item (except for \$0	n/a d is date the report one-time avoided o	\$0 was due. Final osts)
Notes for DELAYED costs Avoided Costs Disposal Personnel	Art. Leve See	st to prepare and st	ibmit the annual s date is the exp	0:00 ludge repected dat ntering 0:00	\$0 out. Date require e of compliance. Item (except for \$0 \$0	in/a d is date the report corte-time avoided to \$0 \$0	\$0 was due. Final osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Art. Leve See	t to prepare and st	ibmit the annual s date is the exp ad costs before s	0.00 ludge repected dat ntering 0.00 0.00	\$0 out. Date require e of compliance. Item (except for \$0 \$0 \$0	in/a d is date the report core-time avoided o	\$0 was due. Final osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Art. Leve See	t to prepare and st	ibmit the annual s date is the exp ad costs before s	0.00 ludge repected dat ntering 0.00 0.00 0.00	\$0 port. Date require e of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a d is date the report one-time avoided o \$0 \$0 \$0 \$0	\$0 was due. Final sosts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	Art. Leve See	t to prepare and st	ibmit the annual's date is the exp ad costs before a	0:00 ludge repected dat ntering 0:00 0:00 0:00 0:00	\$0 out. Date require e of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a d is date the report orte-time avoided or \$0 \$0 \$0 \$0	\$0 was due. Final \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment	Art. Leve See	t to prepare and st	ibmit the annual s date is the exp ad costs before s	0.00 ludge repected dat ntering 0.00 0.00 0.00	\$0 port. Date require e of compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a d is date the report one-time avoided o \$0 \$0 \$0 \$0	\$0 was due. Final sosts) \$0 \$0 \$0

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			8 Mile P PDES Permit No Docket No 200	LATIONETABLE ark: L.P. 5: WQ001379600 9-1829: MWD:E			
Months	BOD Daily Avg. Conc. Limit = 20 mg/L	BOD Single Grab Conc. Limit = 65 mg/L	BOD Daily Avg. Loading	TSS Daily Avg Loading Limit = 1.2 Libs/day	TSS Single Grab Conc. Limit = 65 img/L	TSS Daily Avg. Conc. Limit = 20 mg/L	Dissolved Oxygen Min. Cong.
6/30/2008	С	C	c	· c	C	С	1.20
7/31/2008	54.50	69.00	1.35	С	С	33.75	0.80
8/31/2008	34.75	С	С	С	C	33.50	1.00
10/31/2008	34.00	С	С	С	С	31.30	1.80
12/31/2008	24.00	78.00	С	С	С	23.80	С
1/31/2009	55.00	81.00	1.39	С	С	39.50	1.10
2/28/2009	39.00	81.00	С	С	88.00	48.00	0.80
3/31/2009	23.00	c	С	1.56	80.00	63.00	1.60

conc. = concentration

lbs/day = pounds per day

mg/L = milligrams per liter

BOD = biochemical oxygen demand

avg. = average

TSS = total suspended solids

min. = minimum

c = compliant

			-
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Compliance History Report

Customer/Respondent/Owner-Operator: CN602860728 8 Mile Park, L.P. Classification: AVERAGE Rating: 3.12 Regulated Entity: RN101614212 AUTUMN SHADOWS WWTP Classification: AVERAGE Site Rating: 3.12 ID Number(s): WASTEWATER PERMIT WQ0013796001 TPDES0091421 PERMIT WASTEWATER WASTEWATER PERMIT TX0091421 Location: in the Autumn Shadows Subdivision on the south side of State Highway 35 approximately 570 feet east of the intersection of State Highway 35 and Farm-to-Market Road 1459 in Brazoria County, Texas REGION 12 - HOUSTON TCEQ Region: January 22, 2010 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: December 23, 2004 to December 23, 2009 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Steve Villatoro 512-239-4930 Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes 3. If Yes, who is the current owner/operator? 8 Mile Park, L.P. DTK Equipment, Inc. 4. if Yes, who was/were the prior owner(s)/operator(s) ? JDS Realty, Inc. 5. When did the change(s) in owner or operator occur? 01/01/2005 DTK Equipment, Inc. 06/23/2005 JDS Realty, Inc. Rating Date: 9/1/2009 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A В Any criminal convictions of the state of Texas and the federal government. Chronic excessive emissions events. C. N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D. 01/20/2005 (387450) 02/22/2005 (387446) 03/21/2005 (387447) 5 04/12/2005 6 (376098) 04/22/2005 (425183) 7 05/23/2005 (425184) B 9 06/24/2005 (425185)10 07/22/2005 (445782)11 08/22/2005 (445783)12 09/30/2005 (445784)10/24/2005 13 (477668)11/22/2005 14 (477669)

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12/22/2005

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07/21/2006

09/14/2006

09/14/2006

09/20/2006

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(504152)

(504153)

(504154)

(504155)

(526532)

(526533)

(526534)

(512107)

26	10/05/2006	(625702)
27	11/20/2007	(596142)
28	03/16/2009	(759019)
29	04/14/2009	(741422)
30	05/07/2009	(771740)
31	05/07/2009	(771743)
32	05/08/2009	(771744)
33	05/08/2009	(771746)
34	05/08/2009	(771748)
35	05/08/2009	(771749)
36	05/08/2009	(771750)
37	05/08/2009	(771752)
38	05/08/2009	(771753)
39	05/08/2009	(771755)
40	05/08/2009	(771756)
41	05/08/2009	(771757)
42	05/18/2009	(771741)
43	05/18/2009	(771742)
44	05/18/2009	(771745)
45	05/27/2009	(771747)
46	06/11/2009	(771751)
47	06/11/2009	(771754)
48	10/22/2009	(749473)

Written notices of violations (NOV), (CCEDS Inv. Track. No.) E.

03/31/2005 Date:

CN602860728

Self Report? YES

Classificatio Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 04/05/2005 (376098)

CN602860728

Self Report? NO

Classificatio Moderate

Citation:

30 TAC Chapter 305, SubChapter D 305.64(b) Fallure to transfer the permit.

Description: Self Report? NO

30 TAC Chapter 319, SubChapter A 319,11(d)

Citation: Description:

Failure to accurately measure flow.

Self Report? NO

Classificatio Moderate

Classificatio

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to maintain compliance with the permitted effluent limits for total suspended

solids (TSS) daily average concentration and single grab limit.

Date: 05/31/2005 Self Report? YES

(425185) CN602860728

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Description:

TWC Chapter 26 26.121(a)

Date: 08/31/2005 (445784)

Failure to meet the limit for one or more permit parameter CN602860728

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation: TWC Chapter 26 26.121(a)

Date 10/31/2005

Failure to meet the limit for one or more permit parameter

(477669) CN602860728

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter Date 12/31/2005 (477671)

Self Report? YES

Citation:

CN602860728 Classification:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter Date 06/30/2006 (526532) CN602860728

Self Report? YES

Classification: Moderate

Moderate

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Date 07/31/2006

Failure to meet the limit for one or more permit parameter CN602860728

(526533)

Self Report? YES

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Fallure to meet the limit for one or more permit parameter

(771751) Date 08/31/2007 CN602860728

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305,125(1)

Failure to meet the limit for one or more permit parameter Description: Date 10/31/2007 (771754)CN602860728

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter Date 11/20/2007 (596142) CN602860728

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

Citation:

Effluent Limitations and Monltoring PERMIT

Failure to maintain compliance with permitted effluent limits for biochemical oxygen Description:

demand (BOD) and total suspended solids (TSS).

Self Report? Classification: Moderate

Monitoring and Reporting Requirements PERMIT

Description: Failure to submit monthly discharge monitoring reports.

30 TAC Chapter 319, SubChapter A 319.7(c)

Self Report? NO Classification: Minor Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Monitoring and Reporting Requirements PERMIT

Description: Failure to submit noncompliance notification for permit noncompliances.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(g)

Description: Failure to maintain the structural Integrity of the wastewater plant. (771740) Date 01/31/2008 CN602860728

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter Date 02/29/2008 (771743)

CN602860728

Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26,121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Description:

Failure to meet the limit for one or more permit parameter Date 03/31/2008 CN602860728

Self Report? YES Classification; Moderate Citation: 2D TWC Chapter 26, SubChapter A 26,121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter Date 06/30/2008 (771749)CN602860728

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26,121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description: Date 07/31/2008 (771750)CN602860728

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 28, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Fallure to meet the limit for one or more permit parameter Description: Date 08/31/2008 CN602860728

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305,125(1)

Description: Failure to meet the limit for one or more permit parameter Date 10/31/2008 (771755)CN602860728

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305,125(1) Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2008 (771757)CN602860728 Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Cltation:

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter Date 01/31/2009 (771741)CN602860728

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Dagarintian		Failure to meet the limit for one or more permit para	mater	
Description: Date 02/28	/2009	(771742) CN6028		
Self Report?	YES	(11112)	Classification:	Moderate
Citation:	120	2D TWC Chapter 26, SubChapter A 26.121(a)	G , as a market	***************************************
Onduoii,		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		Failure to meet the limit for one or more permit para	meter	
Date 03/16	/2009	(759019) CN6028	60728	
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	22 T. O. O	Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305,125(1)		
Description:		30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	NON-IN T VIOUT ON MONITTE EN ONT IT E	Classification:	Moderate
Citation:	740	30 TAC Chapter 305, SubChapter F 305.125(1)	0,120,11210.	
Oldaon.		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	•	Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderale
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	МО		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305,125(17)		
Description:	NO	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO	20 TAC Charter 205 Cub Charter E 205 125/1\	Classification.	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE	÷	
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305,125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NO	NON-RPT VIOS FOR MONIT PER OR PIPE	Classification:	Moderate
Self Report?	NO	20 TAG Objects 005 But Objects E 805 405/4\	Cidssillation.	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	TOTAL	Classification;	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Olduon.		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE	Oleid- ii ii	Madt-
Self Report?	NO	OO TAD Observe con Out Observe To ook 40000	Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305,125(1)		
Deportations		30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE		
Description: Self Report?	NO	HON-IN I MOOT OIL MONTH FEIT OILT II E	Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)	· ·	+=
ORGUVII.		to attached and amountained (and the (1)	•	

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Self Report? NO Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: NO Classification: Moderate Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: Date 03/31/2009 (771745)CN602860728 Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter Description: Date 04/30/2009 (771747) CN602860728 Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Fallure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs),

N/A

H. Voluntary on-site compliance assessment dates.

N/A

1. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
8 MILE PARK, L.P.	§	
RN101614212	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1829-MWD-E

I. JURISDICTION AND STIPULATIONS

At its	agenda, the Texas Commission on Environmental Quality
("the Commission" or	"TCEQ") considered this agreement of the parties, resolving an
enforcement action regar	ding 8 Mile Park, L.P. ("the Respondent") under the authority of TEX.
WATER CODE chs. 7 and	26. The Executive Director of the TCEQ, through the Enforcement
Division, and the Respon	dent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located in the Autumn Shadows Subdivision on the south side of State Highway 35 approximately 570 feet east of the intersection of State Highway 35 and Farm-to-Market Road 1459 in Brazoria County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 27, 2009 and on or about December 16, 2009.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty-Nine Thousand Nine Hundred Ninety-Eight Dollars (\$39,998) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Financial Assurance Section of the

Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Thirty-Five Thousand Nine Hundred Twenty Dollars (\$35,920) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Twenty-Three Dollars (\$123) of the undeferred administrative penalty. The remaining amount of Three Thousand Nine Hundred Fifty-Five Dollars (\$3,955) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Thirteen Dollars (\$113) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System

("TPDES") Permit No. WQ0013796001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as documented during a record review conducted on June 15, 2009 and shown in the following table:

		E CONTRACTOR E	HACORAL VIO	LATION TABI	E_{X} . F_{X}		
Months	BOD Daily Avg. Conc. Limit = 20 mg/L	BOD Single Grab Cone: Limit = 65 mg/L	BOD Daily Avg Loading Limit = 1.2 Ibs/day	TSS Daily Avg. Loading Limit = 1:2 lbs/day	TSS Single Grab Conc. Limit = 65 mg/L	ISS Daily Avg. Conc. Limit = 20 mg/L	Dissolved Oxygen Min. Conc. min. ≡ 2.0
6/30/2008	c	С	c	С	С	С	1.20
7/31/2008	54.50	69.00	1.35	с	c	33:75	0.80
8/31/2008	34.75	c	c	С	c	33.50	1.00
10/31/2008	34.00	С	c	c	c	31.30	1.80
12/31/2008	24.00	78.00	c	С	С	23,80	С
1/31/2009	55.00	81.00	1.39	С	c	39.50	1.10
2/28/2009	39.00	81.00	c	с	88.00	48.00	0.80
3/31/2009	23.00	с	c	1,56	80.00	63.00	1.60

 ${\bf conc.} = {\bf concentration}$

avg. = average

lbs/day = pounds per day

TSS = total suspended solids

mg/L = milligrams per liter

min. = minimum

BOD = biochemical oxygen demand

c = compliant

- 2. Failed to collect and analyze samples for chlorine residual for the monitoring periods ending April 2008 through December 2008 and January 2009 through March 2009, in violation of 30 Tex. Admin. Code § 319.4 and TPDES Permit No. WQ0013796001, Effluent Limitations and Monitoring Requirements No. 2, as documented during a record review conducted on June 15, 2009. Specifically, the Respondent reported on the discharge monitoring reports ("DMR") that no data was available for this parameter.
- Failed to submit the annual sludge report for the monitoring period ending July 31, 2008, by September 1, 2008, in violation of 30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0013796001, Sludge Provisions, as documented during a record review conducted on June 15, 2009.
- 4. Failed to maintain operations and maintenance records, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0013796001, Operational Requirements

- No. 1. Specifically, the daily operator's log was not available for review during the September 29, 2009 investigation.
- 5. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 Tex. Admin. Code §§ 305.125(5) and 317.4(g) and TPDES Permit No. WQ0013796001, Operational Requirements No. 1. Specifically, two and a half feet of settled sludge in a six foot water depth was measured in the chlorine contact chamber, the staff gauge installed was not legible, the V-notch weir was severely rusted and can no longer be used to accurately measure flow, the weirs on the clarifier were not level, and only one blower was operational at the Facility, as documented during the September 29, 2009 investigation.
- 6. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 Tex. Admin. Code §§ 305.125(5) and 317.4(g) and TPDES Permit No. WQ0013796001, Operational Requirements No. 1. Specifically, a high level alarm was not installed and only one pump was working at the on-site lift station, as documented during the September 29, 2009 investigation.
- 7. Failed to employ a certified operator at the Facility a minimum of five days per week, in violation of 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0013796001, Other Requirements No. 1. Specifically, the operator stated that he lived 300 miles from the Facility and operates it once a week, as documented during the September 29, 2009 investigation.
- 8. Failed to have all required monitoring and reporting records available for review upon request, in violation of 30 Tex. Admin. Code §§ 305.125(1) and 319.7(a) and (c), and TPDES Permit No. WQ0013796001, Monitoring and Reporting Requirements No. 3.b and 3.c. Specifically, the DMRs were not available for review during the September 29, 2009 investigation.
- 9. Failed to provide an intruder-resistant fence and hazard signage, in violation of 30 TEX. ADMIN CODE § 317.7(e), as documented during the September 29, 2009 investigation. Specifically, the fence surrounding the Facility did not have barbed wire and was less than eight feet tall in some areas and hazard signs stating "Danger Open Tanks No Trespassing" were not present.
- Failed to provide a reduced pressure zone ("RPZ") backflow prevention device or air gap on the main potable water line to the Facility, in violation of 30 Tex. ADMIN. CODE § 317.4(a)(8), as documented during the September 29, 2009 investigation.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: 8 Mile Park, L.P., Docket No. 2009-1829-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operations guidance to ensure that all effluent parameters, including chlorine residual are monitored at the frequency specified in the permit;
 - ii. Submit the annual sludge report for the monitoring period ending July 31, 2008, to:

Compliance Monitoring Section Enforcement Division, MC 224 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3088

- iii. Enclose the Facility with an eight foot intruder-resistant fence with barbed wire and with signs stating "Danger Open Tanks No Trespassing" fastened to the fence and within visible distance of each other, in accordance with 30 Tex. ADMIN. CODE § 317.7(e);
- iv. Install an RPZ backflow prevention device or air gap on the main potable water line to the Facility, in accordance with 30 Tex. ADMIN. CODE § 317.4(a)(8);
- v. Begin maintaining operations and maintenance records and all monitoring records on site, in accordance with 30 Tex. Admin. Code § 319.7(a) and (c), and TPDES Permit No. WQoo1379601, Monitoring and Reporting Requirements No. 3.b and 3.c; and
- vi. Ensure a properly certified operator operates the Facility at least five days per week, in accordance with 30 Tex. Admin. Code § 30.350(d) and TPDES Permit No. WQ0013796001, Other Requirements No. 1.

- b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.a.i through 2.a.vi. The certification shall be in accordance with Ordering Provision No. 2.f below;
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Install a high-level alarm and an operational backup pump for the lift station at the Facility;
 - ii. Install a back-up blower at the Facility;
 - iii. Ensure the weirs on the clarifiers are level in order to prevent short circuiting;
 - iv. Remove and properly dispose of sludge from the chlorine contact chamber; and
 - v. Install a legible staff gauge and a V-notch weir or an accurate primary flow measuring device;
- d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 2.c.i through 2.c.v. The certification shall be in accordance with Ordering Provision No. 2.f below;
- e. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0013796001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.f below; and
- f. The written certification of compliance required by Ordering Provisions Nos. 2.b, 2.d, and 2.e shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A 8 Mile Park, L.P. DOCKET NO. 2009-1829-MWD-E Page 7

> Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Manager, Water Section Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

From-SOUTHWEST COATING AND LINING Jan-26-2011 11:17am

For the Commission

8 Mile Park, L.P. DOCKET NO. 2009-1829-MWD-E Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director Date 2 10 2011
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications submitted; Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency; Increased penalties in any future enforcement actions; Automatic referral to the Attorney General's Office of any future enforcement actions; and TCEQ seeking other relief as authorized by law. In addition, any falsification of any compliance documents may result in criminal prosecution.
Signature Date

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.